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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,544	02/02/2006	Bernd Rosskopf	ROSS3008/FJD	9551
23364 7590 05/22/2008 BACON & THOMAS, PLLC 625 SLATERS LANE FOURTH FLOOR ALEXANDRIA, VA 22314				
EXAMINER				
NOLAND, THOMAS				
ART UNIT		PAPER NUMBER		
2856				
MAIL DATE		DELIVERY MODE		
05/22/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/518,544

Applicant(s)

ROSSKOPF, BERND

Examiner

Thomas P. Noland

Art Unit

2856

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☒ Information Disclosure Statement(s) (PTO/SE/US)
- Paper No(s)/Mail Date 20050103, 20060202
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

1. The preliminary amendment filed Feb. 2, 2006 has been entered.
2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 12-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The use of " and/or" in linking two substantive limitations as in the last two lines in claims 12 and 22 is clearly not particularly pointing out the subject matter regarding the invention. Similarly it is unclear if " particularly " in claim 13, line 3 is meant to mean that only an average value derived from a median or arithmetic mean can be used.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 12 is rejected under 35 U.S.C. 102(b) as being anticipated by Slawniski et al US 2002/007724.

Note abstract and Fig. 1.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 13-14 and 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Slawinski et al. Slawinski et al does not disclose averaging of sensing data, discarding of signals out of range, having the sensors produced by a batch process and arranged on a plate, having the circuits on such a plate or emitting an alarm when implausible or non functional by more than a minimum. However all these data handling features are known or obvious ways to manage data from plural sensors in order to avoid indicating faults unless defective to a predetermined extent and thus would have been obvious to have been used in a system similar to that of Slawinski et al to achieve the known benefits thereof. The manufacturing technique chosen is a well known way to produce electronic sensors to achieve standardization or economy and thus would have been obvious to have been used in a system similar to that of Slawinski et al to achieve these known benefits.

8. Claims 12, 15-18 and 21-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Gerst et al US 5,097,712, cited in the IDS.

Note abstract, drawing, col. 1, line 63-col. 3, line 5 and col. 4, line 24-col. 6, line 19.

9. Claims 12 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Hommel GB 2327128, cited in the IDS.

Note abstract, Figs. 1-2 and page 1, last paragraph-page 6, 2nd paragraph.

Art Unit: 2856

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited references show transmitter with signal plausibility monitoring and/or sensor function capability monitoring.

11. US application no. 10/941,179, not prior art, published as Hanlon et al US 2006/0055259, discloses a signal validity monitor but does not claim or make obvious a claim to a transmitter with a combination of elements structured and interacting as in claim 12. Taware et al US 7,293,400, not prior art, also discloses validity monitoring but does not claim or make obvious a claim to a transmitter as set forth in claim 12.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom Noland whose telephone number is (571) 272-2202. The examiner can normally be reached on weekdays from 9:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Hezron E. Williams, can be reached on (571) 272-2208.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to 2800 Customer Service at (571) 272-2815.

**/Thomas P. Noland/
Primary Examiner
Art Unit 2856**

May 20, 2008